

## **REGULAR SESSION    RUSH COUNTY BOARD OF COMMISSIONERS    DECEMBER 20, 2010**

The Rush County Board of Commissioners met in regular session, Monday, December 20, 2010 with Commissioners, Tom Barnes, Marvin Cole, Ken Masters, Deborah Adams, Auditor, and Leigh Morning, County Attorney in attendance.

Commissioner Tom Barnes called the meeting to order, Ken Masters made the motion to approve the minutes of the December 6, 2010 meeting as presented. Marvin Cole seconded the motion. Motion carried.

### **SMALL CLAIMS COURT**

Circuit Court Judge Dave Northam along with Superior Court Judge Brian Hill appeared before the commissioners to address concerns of possibly losing the usage of the assembly room for the assisting of servicing the small claims courts.

Auditor Deborah Adams explained, to the commissioners, Judge Northam and Hill, of her conversation held with a deputy of the clerk's office. Adams explained that the previous commissioner meeting minutes reflected the possibility of the commissioner room being converted to EMA/Homeland Security. Adams also noted that the commissioners made mention that they would be looking at the assembly room for their future meetings. Adams explained that the commissioner's room and the assembly room are scheduled through the auditor's office. The small claims courts have utilized the assembly room for small claims on the same day and time that the commissioners are holding their meetings.

After further conversation the commissioners confirmed that they were looking at making changes but nothing was yet firmly decided. The commissioners advised the courts to schedule the assembly room for 2011 as usual.

### **AREA PLAN**

Bill Todd, Area Plan Director, asked the commissioners to approve three contracts for the 2011 calendar year.

- Gilda W. Caviness, Attorney at Law, Legal Counsel to APC and BZA was approved on a motion by Ken Masters, seconded by Marvin Cole. Motion carried.
- Rogier and Associates, Plan Consultant, was approved on a motion by Ken Masters, seconded by Marvin Cole. Motion carried.
- Coor Consulting and Land Services Corporation, Map Consultant, was approved on a motion by Marvin Cole, seconded by Ken Masters. Motion carried.

### **E.C.D.C.**

E.C.D.C. President Wade Beatty introduced the new Executive Director Jim Finan. Finan's position began effective December 20, 2010.

Tom Barnes informed Beatty and Finan that due to the vacancy of the director over the past several months, the County Council chose not to fund the second half of the 2010 E.C.D.C. commitment. Barnes continued to say that the commissioners are back on board for a full funding commitment in 2011.

The commissioners asked Finan to report quarterly and if there were any special needs to report to them monthly.

## **HEALTH**

Health Officer Dr. Davis Ellis appeared before the commissioners seeking various appointments to the health board.

- Jane Carter – 4 year term – on a motion by Ken Masters, seconded by Marvin Cole. Motion carried.
- Dr. Craig Fenimore – 3 year term – on a motion by Ken Masters, seconded by Marvin Cole. Motion carried.
- Dr. Jamie Morgan – 2 year term – on a motion by Ken Masters, seconded by Marvin Cole. Motion carried.
- Dr. Fred Phillips – 2 year term – on a motion by Marvin Cole, seconded by Ken Masters. Motion carried.

## **OUTSIDE WOOD BOILER**

Mable and Gary Bowling of 850 West St Paul (Rush County) appeared before the commissioners to share their fears and concerns of their neighbor Christopher Nickolson burning something other than wood in his outside wood boiler. The Bowling's reported that the wood boiler is 20 ft. from their property line, did not have a cap until recently and the stench are removing the oxygen from the air. Mrs. Bowling informed the commissioners of her severe health conditions.

The Bowling's explained that they have contacted the Health department and the Area Plan office without any luck. The commissioners advised the Bowling's that as commissioners they could not help due to the county not having an ordinance. Tom Barnes offered to contact an environmentalist to visit both locations.

## **INGS ROAD**

Lois Marlatt appeared before the commissioners to share her concerns of the Gings Road along the Morristown Elevator. Marlatt explained that the scales are on one side of the road and the elevator is on the other side of the road. Marlatt asked the commissioners to consider extending the road. Marlatt explained that currently there is a blind side for the drivers, and area farmers when crossing from the scales to the elevator.

Jerry Sitton explained that there would be Right-Of-Way issues, financing, and safety along with an inconvenience due to being too close to the road. Sitton asked Marlatt if she had

any conversation with the new owners. Tom Barnes encouraged Marlatt to have that conversation.

### **E.M.A.**

Mike Ooley, EMA Director, reported that the ICS 400 final class is being held January 29<sup>th</sup> 30<sup>th</sup>, 2011. Ooley noted that there are only twenty-five (25) seats remaining.

Ooley discussed the IDHS travel advisory link to the county website.

Tom Barnes reported that two (2) applications had been received for the E.M.A. position. Barnes recommended that the commissioners retain Ooley. Ken Masters made the motion to reappoint Mike Ooley as EMA Director for the 2011 calendar year. Marvin Cole seconded the motion. Motion carried.

### **I-T**

Randy Herbert, I-T Technician, clarified Leigh Morning's question concerning the Verizon contract. Herbert explained that INDigital will terminate the contract.

Herbert informed the commissioners that Hancock Telecom has approached him with the desire to utilize two (2) loops of fiber. Tom Barnes instructed Herbert that this was a fiber board issue. Barnes offered to take the matter to the fiber board meeting when a final proposal is ready.

Ken Masters made the motion to reappoint Randy Herbert as the county I-T Technician for the 2011 calendar year. Marvin Cole seconded the motion. Motion carried.

Ken Masters made the motion to approve the Frontier contract. Marvin Cole seconded the motion. Motion carried.

### **HIGHWAY**

Jerry Sitton, Highway Superintendent, informed the commissioners that he had reviewed the bids submitted and opened during the December 6, 2010 meeting from A.K. Shannon and Rusty Gettinger. Sitton recommended the approval of A.K. Shannon. Marvin Cole made the motion to approve A.K. Shannon. Ken Masters seconded the motion. Motion carried.

Ken Masters made the motion to reappoint Jerry Sitton to the position of Highway Superintendent for the 2011 calendar year. Marvin Cole seconded the motion. Motion carried.

### **SHERIFF**

Jeff Sherwood, Sheriff, reported thirty-three (33) incarcerated inmates of which 11 are females.

Sherwood reported that Deputy Mark Click will retire effective December 31, 2010. Sherwood reported that it is customary to present the deputy with his duty weapon upon his retirement. Sherwood asked authorization to continue this custom with Deputy Click. Marvin Cole made the motion to allow Sherwood to present Deputy Click with his duty weapon upon his retirement. Ken Masters seconded the motion. Motion carried.

### **ANNUAL APPOINTMENTS**

- ALCOHOLIC BEVERAGE – No Applicants
- AREA PLAN COMMISSION – Ken Masters made the motion to reappoint Marvin Cole, Tom Barnes seconded the motion. Motion carried.
- COUNTY ATTORNEY – Ken Masters made the motion to reappoint Leigh Morning as the county attorney. Marvin Cole seconded the motion. Motion carried.
- COURTHOUSE JANITORIAL SERVICE – Ken Masters made the motion to renew the contract with Gilliam Janitorial Services. Marvin Cole seconded the motion. Motion carried.
- E-911 BOARD – (2 applications received) – Ken Masters made the motion to reappoint Ron Jarman to the E-911 Board. Marvin Cole seconded the motion. Motion carried.
- EASTERN INDIANA REGIONAL WAGE BOARD – Marvin Cole made the motion to reappoint Mayor Merv Bostic, Ken Masters seconded the motion. Motion carried.
- EMPLOYEE HEALTH INSURANCE COMMITTEE – Ken Masters made the motion to reappoint Tom Barnes, Marvin Cole seconded the motion. Motion carried.
- FIBER BOARD – Ken Masters made the motion to reappoint Tom Barnes, Marvin Cole seconded the motion. Motion carried.
- I.C.A.P. – Marvin Cole made the motion to reappoint Ken Masters, Tom Barnes seconded the motion. Motion carried.
- PUBLIC DEFENDER BOARD – no applicants
- VETERAN SERVICE OFFICER – Ken Masters made the motion to reappoint Steve Land, Marvin Cole seconded the motion. Motion carried.

Bill Todd brought to question that some appointments had not been properly brought to question during the motion process. Marvin Cole made the motion to approve all appointments, Ken Masters seconded the motion. Motion carried.

### **AUDITOR**

Deborah Adams, Auditor, received approval of payroll claims ending December 24, 2010 on a motion by Marvin Cole, seconded by Ken Masters. Motion carried. Bi-weekly claims were approved on a motion by Ken Masters, seconded by Marvin Cole. Motion Carried.

Adams reported and shared a letter had been received from Dr. Douglas Morrell addressed to the commissioners concerning holding down expenses at the jail to a low level. Dr. Morrell is the jail physician. The commissioners discussed that the county has initialized steps towards wellness for county employees to begin over the next ninety (90) days.

Adams reported that the county reimbursement mileage rate beginning January 1, 2011 is \$0.51 per mile.

Adams reported that there is no dues increase for 2011 for AIC (Association of Indiana Counties). The commissioners asked Carole Yeend to provide a write – up on the Moscow Covered Bridge to submit as part of the AIC Local Government Cooperation Award Application.

Adams discussed contracting with SRI, Inc. as a Consulting Services for the county. Adams explained that she has previously worked extensively with Tim Rushenberg and Jeff Volz when they were the Commissioner and Director of Operations with the Dept of Local Government of Finance. Adams concern was to show the transparency in government, educate the public, to examine our budgets, expenditures, revenues and provide quality information to the council and the commissioners. The service cost is \$1,500.00 and Adams asked the commissioners to split the fees between the auditor's and the commissioner's budget. Ken Masters made the motion to proceed and split the cost 50/50 once the county attorney has had the opportunity to review the contract. Marvin Cole seconded the motion. Motion carried.

Marvin Cole made the motion to approve Surety Bonds on Deborah C. Adams; Sally Niedenthal; Jerry Sitton; Jeffrey Sherwood; Linda K. Sheehan; Deborah Richardson and Marvin Rees. Ken Masters seconded the motion. Motion carried.

## **CAPITAL IMPROVEMENT PLAN**

Marvin Cole made the motion to approve Ordinance 2010-12, Ken Masters seconded the motion. Motion carried

### **ORDINANCE 2010-12**

#### **AN ORDINANCE ADOPTING A CAPITAL IMPROVEMENT PLAN FOR RUSH COUNTY**

##### **I. Purpose of Plan**

The purpose of this Rush County, Indiana, Capital Improvement Plan ("Plan") is to specify the uses of the revenues to be received by Rush County, Indiana ("County") from the economic development income tax ("EDIT") imposed under Ind.Code 6-3.5-7, as amended from time to time

(the "Act"). This Plan shall be dated as of January 1, 2011, and encompass a period beginning January 1, 2011, and ending December 31, 2011.

## **II. Economic Development Projects**

**A. Economic Development Projects.** The County may expend EDIT revenues for the following purposes:

1. To support the operating budget of the Rush County Economic Development Corp.
2. To support the operations of the Rush Memorial Hospital and Rush County Ambulance Service.
3. To support other economic development projects in Rush County, Indiana.

## **III. Estimated Costs, Sources of Funds, and Planning, Development and Construction Schedules**

**A. ECONOMIC DEVELOPMENT PROJECTS.** The County may use revenue to pay all or a portion of the Economic Development Projects.

The estimated cost and timing of the Economic Development Projects are as follows:

1.	Rush County Economic Development Corp.	<b>2011</b> \$ 62,000.00
2.	Ambulance Service	<b>2011</b> \$513,000.00
3.	Other County Projects	<b>2011</b> \$ 50,000.00
	<u>TOTAL</u>	<b>2011</b> \$628,000.00

## **IV. Expenditure of Certified Distribution**

In 2011, the County will receive a certified distribution of EDIT revenues in the estimated amount of \$361,131.00.

The County anticipates expending a portion of the certified EDIT distributions it receives to pay the costs of the Economic Development Projects in the amount of \$628,000.00 in 2011.

Consequently, the Plan incorporates projects the costs of which exceed ninety-five percent (95%) of the estimated amount of the certified distribution of EDIT revenues that the County anticipates receiving during the period encompassed by this Plan.

Adopted this 20<sup>th</sup> day of December, 2010.

BOARD OF COMMISSIONERS  
OF RUSH COUNTY

/s/ Thomas H. Barnes  
Thomas H. Barnes

/s/ Marvin L. Cole  
Marvin L. Cole

/s/ Ken Masters  
Ken Masters

ATTEST: /s/ Deborah C. Adams  
Deborah C. Adams,  
Rush County Auditor

**AMBULANCE SERVICE AGREEMENTS**

- The commissioners approved the Rush Memorial Hospital ambulance service agreement in the amount of \$650,000.00 for the 2011 calendar year on a motion by Ken Masters, seconded by Marvin Cole. Motion Carried.
- When reviewing the Anderson Twp, Raleigh Vol. Fire Dept, Carthage Vol. Fire Dept ambulance agreements Deborah Adams reminded the commissioners and county attorney of earlier 2010 commissioner meeting conversations regarding run reports being turned in on a timely manner. Adams explained once again that technically she cannot withhold monthly ambulance supplement checks due to entities not submitting their required monthly run reports. After further discussion the county attorney will modify the ambulance agreements to include that run reports are to be submitted by the second commissioner meeting of the month and will not be paid until submitted.

**RUSH MEMORIAL HOSPITAL**

County Attorney Leigh Morning informed the commissioners that there was an error involving the Commissioners and the Rush Memorial Hospital in a deed dated in 2005. Morning indicated that an error involved the wrongly submitted parcel number. Marvin Cole made the motion to approve and resubmit a corrected Quitclaim deed. Ken Masters seconded the motion. Motion carried.

**COURTHOUSE**

Tom Barnes reported on his research of the treatments of the bird problem outside the courthouse. Barnes reported that a petroleum based treatment would cost an estimate of \$19,000.00 and an electrical treatment would cost approximately twice that amount.

**MISC.**

- Reviewed Treasurers report for the month ending November 30, 2010
- Reviewed run reports received from Anderson Twp Vol. Fire Dept and Rush Memorial Ambulance
- Approved the Extension Contractual Services Agreement between Purdue and Rush County on a motion by Ken Masters, seconded by Marvin Cole. Motion carried. Adams noted that the contract is for one-half salary of Kristi Amos and Gracie Marlatt and there were no salary increases.

Motion to adjourn was received from Ken Masters, Marvin Cole seconded the motion. Motion carried.

<u>/s/Tom Barnes</u>	<u>/s/Marvin Cole</u>	<u>/s/Ken Masters</u>
Tom Barnes, Chairman	Marvin Cole	Ken Masters

ATTEST:

/s/Deborah C. Adams  
Deborah C. Adams, Auditor